

OPEN SPACE COUNCIL
June 7, 2017
9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

John R. Schroeder, Chairperson
Senator Bruce Ennis
Paul Boswell, Esq
Lorraine M. Fleming
Wayne Holden
David Humes
Dorothy P. Leventry

Advisory To:

Shawn Garvin, Cabinet Secretary, DNREC, State of Delaware (present)

Ex-Officio:

Michael Scuse, Secretary, Ex Officio, DDA
Raymond E. Bivens, State Liaison Officer, LWCF, DNREC

Staff:

Timothy Slavin, Director, DHCA
William Kassab, Esq., DOJ
Matthew Chesser, Parks & Recreation, DNREC
Elena Stewart, Parks & Recreation, DNREC
Craig Rhoads, Fish & Wildlife, DNREC
Michael Valenti, State Forestry Administrator, DDA
Kyle Hoyd, Delaware Forest Service, DDA
Patrick Emory, Director, Community Services
Bob Ehemann, Parks & Recreation, DNREC

Visitors:

Andrew Dinsmore, Staff, Senator Coons Office
Matt Sarver, Conservation Chair, DOS
Hannah Greenberg, Conservation Committee Member, DOS
Sarah Cooksey, Director of Conservation, TNC
John Peterson, Community Relation, DFS

I. Call to Order/Introductions/Announcements

John Schroeder, Chairperson, called the June 7, 2017 Open Space Council (OSC) meeting to order. He welcomed Council members, staff, and visitors. He relayed the information that Porter Schutt has resigned from the Open Space Council and asked that if anyone had suggestions for new members to pass on their recommendations to him.

II. Minutes of March 1, 2017 Meeting

John asked for a motion to approve the March 1, 2017 minutes. Motion was made, seconded and unanimously approved.

III. Financial Report

Elena Stewart presented the financial report:

Open Space Program Fund Summary		
6/2/17		
Current Funds		
Realty Transfer Tax	6/2/2017	\$4,335,729.56
Previously Approved Projects	Date Encumbered	
Cooch - HCA	12/14/2013	\$1,500,000.00
Great Marsh - Parks	9/14/2016	\$2,000,000.00
ABC Woodlands II - F&W	9/16/2015	\$1,000.00
Manwaring	12/7/2016	\$100,000.00
Sinclair	12/7/2016	\$1,000.00
Felician Sisters	12/7/2016	\$250,000.00
Syphard	3/1/2017	\$350,000.00
Ted Harvey/ Mispillion Harbor Reserve	3/1/2017	\$10,000.00
Dukes	3/1/2017	\$10,000.00
Total Obligated		\$4,222,000.00
Balance		\$113,729.56
Reimbursements		
Wilson Heirs		\$140,000.00
Total Reimbursements Anticipated		\$140,000.00
Balance Available Through 12/15/17	\$253,729.56	

Lorraine Fleming asked whether we could spend the interest on the Open Space funds. Ray Bivens clarified that we could and did.

IV. Old Business

A. Agency Presentation

- a. Timeline for next steps for LPA requirements
 - i. Open Space Program Plan (Plan) Outline

Lorraine presented the outcome of the public hearing and explained the version of the Plan that went to the hearing had been adapted based on public comment. Lorraine made a motion to formally approve the Plan. Wayne Holden seconded the motion. The motion was unanimously approved.

ii. Evaluation system draft

Elena reported that the Guidelines to Evaluate Land Being Considered For Permanent Protection (Guidelines) and the corresponding Regulations were published in the March 1, 2017 Delaware Register of Regulations and the public hearing was held on March 23, 2017. It was noted that the definition of “Permanent protection” refers to the “purposes of this chapter” which should be changed to the “purposes of the Act”. It was also noted that the subjective portion of the Guidelines were just as important, if not more important, than the quantitative portion of the Guidelines. Lorraine made a motion to recommend to the Secretary that the Regulations and associated Guidelines be adapted with the minor modifications. Wayne seconded the motion. The motion was unanimously approved.

iii. Protected lands maps

Elena again expressed concern over the wording in the amended Land Protection Act that requires all “land protected by public entities and private land preservation organizations” be shown on the maps ([7 Del. C. § 7507A\(c\)\(1\)](#)). It was noted that some private land owners may not want their land showed on the maps. John stated that private organizations should be contacted on their preference before showing their eased lands on the Protected lands maps and that preference should be stated in writing.

iv. 26 year reports

John stated that a press release should be done for the 26 year report since it is such a great story to tell with an opt-ed from Secretary Garvin. Secretary Scuse cautioned on the wording that was used since there is much concern about how much land the State already owns and where it is acquired.

V. New Business

A. Council Open Discussion

Lorraine reminded the Council that any time anyone had an opportunity to speak to a legislator or the Governor to make sure they mentioned the Open Space Program.

Sec. Garvin made an introductory statement and told the Council he was glad to be a part of the Open Space Program.

Wayne commented that the lands protected by agricultural easements should be included in the presentation materials to reflect the bigger picture.

Lorraine supported that suggestion adding that the agricultural easements would help show the corridors of preservation.

Sec. Scuse stated that the DDA would work with DNREC to make sure staff had all the information necessary.

B. Public Comments

Matt Sarver made a statement that the Delaware Ornithological Society continues to support the Open Space Program and would be willing to assist in any way they could.

VI. Executive Session

A. Discussion of Site Acquisitions

VII. Open Session

A. Council Project Recommendations

Based on discussion in Executive Session, the Council recommended the following:

- DNREC, Parks and Recreation
Rudin Property - \$15,000 towards settlement costs
Unanimously approved the donation and \$15,000 towards a survey, subdivision, and other costs related to the settlement.

Next Meeting Date/Adjournment

The next meeting of the Open Space Council is scheduled for September 13, 2017 in Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, starting at 9:00 a.m.

John thanked everyone and asked for a motion to adjourn.